

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR. and
ROSLYN WOODARD SMITH,
Individually and as Administrators of
The ESTATE OF HARRY SMITH, III,

Plaintiffs,

v.

CIVIL ACTION NO. 04-1254-GMS

JOHN CIRITELLA,
THOMAS DEMPSEY,
and
MATTHEW KURTEN,

Defendants.

JOINT PROPOSED POST-TRIAL BRIEFING SCHEDULE

The parties jointly respectfully request the Court set as the post-trial briefing schedule the following:

- 1) Plaintiffs' opening brief due June 8, 2007;
- 2) Defendants' response brief due July 9, 2007; and
- 3) Plaintiffs' reply brief due July 20, 2007.

The basis for this request is the rationale articulated in the Memorandum and Order in *Donald M. Durkin Contracting, Inc. v. City of Newark*, No. 04-163 GMS, 2006 WL 3404819 (D. Del. Nov. 27, 2006), which provides parties the time needed to prepare and submit coherent, well-reasoned briefing of post-trial issues.

Plaintiffs are in the process of obtaining the pre-trial and trial transcripts, which were filed on or before April 26, 2007. Upon receipt, Plaintiffs will need at least two weeks to complete their brief, making appropriate pinpoint citations to the record.

Because Plaintiffs will need approximately 30 days to prepare their post-trial brief, the parties believe Defendants also should be given 30 days thereafter in which to prepare and submit their response thereto.

Therefore, the parties jointly request that the Court issue a 30/30/10 day briefing schedule.

Respectfully submitted this 7th day of May 2007.

/s/ Anne T. Sulton

Anne T. Sulton

Admitted: Pro Hac Vice

Sulton Law Offices

Post Office Box 2763

Olympia, WA 98507

Telephone: (609) 468-6029

E-Mail: annesulton@comcast.net

LOCAL COUNSEL:

Kester I.H. Crosse

Delaware State Bar I.D. #638

1214 King Street

Wilmington, DE 19801

Telephone: (302) 658-3488

E-Mail: kesterih@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2007, I electronically filed with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Attorney John Parkins E-mail Parkins@rlf.com

/s/ Anne T. Sulton
Anne T. Sulton